

**VIA ECF**

The Honorable Vincent L. Briccetti
 U.S. District Court for the Southern District of New York
 300 Quarropas Street, Room 630
 White Plains, New York 10601

All deadlines extended as set forth below. The next conference remains scheduled for 10/30/2024 at 10:00 a.m. in Courtroom 620. By **10/23/2024**, the parties shall submit a joint letter detailing what issues, if any, should be discussed at the 10/23 conference. Further joint status update due by **2/7/2025**. Counsel are advised the Court is unlikely to grant further discovery extensions in this case.

The Clerk is instructed to terminate the letter-motion (Doc. #72).

SO ORDERED:

Vincent L. Briccetti, U.S.D.J. 7/22/2024

Re: *In Re USAA Data Sec. Litig.*, Case No. 7:21-cv-05813-VB (S.D.N.Y.)

Dear Judge Briccetti:

The parties jointly write the Court to request a six (6) month adjournment of all current discovery deadlines, as previously ordered by the Court on November 13, 2023 (ECF No. 68).

As previously reported to the Court on November 10, 2023 (ECF No. 67), while the parties continued exploring settlement (which is ongoing and discussed further below), they also proceeded on a parallel track for discovery. In doing so, the parties have made significant progress, cooperatively and without the need for court intervention, regarding a heavily negotiated, stipulated ESI Protocol (which was recently submitted to the Court (ECF Nos. 69–70)) which involved: (i) extensive back-and-forth discussions on complex ESI search terms;¹ (ii) agreement on the use of Technology Assisted Review (“TAR”); (iii) use of a targeted list of USAA custodians whose electronic and physical files will be searched for responsive materials; (iv) the engagement of e-discovery vendors for the document hosting and review; and (v) an agreement on how to log privileged documents.

The parties have also continued their respective factual investigations of the claims and underlying data. Now that the ESI search terms have been agreed upon, Defendant has begun searching for, gathering, and reviewing relevant electronically stored materials. Additionally, the parties have propounded and responded to written discovery, including interrogatories and requests for the production of documents, and have also served a notice for a Rule 30(b)(6) deposition of Defendant, as well as a notice of deposition for the Plaintiff. In addition, Plaintiff has served third-party subpoenas seeking documents and depositions and received a production of material to date. However, at the time of filing this letter, the parties have not yet taken the noticed depositions. Thus, to enable the parties to fully engage in substantive and targeted discovery, the

¹ Negotiation regarding the complex ESI search terms was particularly heavily negotiated and was only resolved in June 2024 as the parties exchanged numerous counter search terms and hit reports and engaged in multiple meet and confers regarding the hit reports and as a result narrowed and agreed upon the final ESI search terms. The Defendant has now begun searching for and gathering the documents responsive to the ESI search terms.



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parties jointly request an additional six (6) month adjournment of all current discovery deadlines, since under the current schedule fact discovery is set to close on July 31, 2023. The parties also inform the Court that their settlement negotiations continue and they will report on these renewed negotiations on or before August 2, 2024. The current deadlines are shown in the chart below with the proposed new deadlines:

Current/Previously Identified Deadline:²	Extended to:
All fact discovery (as to class certification) shall be completed by July 31, 2024	January 31, 2025
Non-expert depositions shall be completed by July 31, 2024.	January 31, 2025
All expert discovery, including expert depositions, in support of class certification shall be completed by November 15, 2024.	May 15, 2025
Plaintiff's expert disclosures in support of class certification shall be made by August 5, 2024	February 5, 2025
Defendant's expert disclosures in support of class certification shall be made by October 9, 2024	April 9, 2025
Plaintiffs' Motion for Class Certification shall be filed by November 20, 2024	May 9, 2025
Defendant's Response to Plaintiffs' Motion for Class Certification shall be filed by January 31, 2025	July 31, 2025
Plaintiffs' Reply in Support of Class Certification shall be filed by February 28, 2025	August 28, 2025
Status Conference scheduled for October 30, 2024, at 10:00 AM, Courtroom 620, 300 Quarropas St., White Plains, NY 10601	No change
Status Letter Update to Court (August 2, 2024)	No change February 7, 2025

² Set by ECF No. 68.



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Respectfully submitted,

/s/ Christian Levis

Christian Levis

/s/ Thomas J. McKenna

Thomas J. McKenna

/s/ Nicholas Colella

Nicholas Colella

cc: All Counsel of Record (*via* ECF)